

A bill for the relief of Benjamin Hubert ; and

A bill to incorporate the town of Mount Vernon, in Titus county.

On motion of Mr. Davis, the Senate adjourned until 10 o'clock to-morrow morning.

SATURDAY, January 3, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Taylor, chairman of the committee on Private Land Claims, reported back a bill for the relief of James McWilliams, and recommended its passage.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, to wit :

A bill better to define the limits of the Milam land district ;

A bill declaring the Little Cypress Bayou a navigable stream ;

A bill for the relief of the heirs of E. J. W. Lowery ;

A bill supplementary to an act to authorize the commissioner of the General Land Office to issue patents on certificates issued by the board of land commissioners of Robertson county, approved 5th February, 1850 ; and

Joint resolution for the relief of the company commanded by Captain William Becknell, in the year 1837.

Mr. Hill made the following report :

The committee on Public Debt, having considered the petition of Fredric Foy, representing the loss of military draft No. 5712, issued in the name of E. W. Collins, for two hundred and five dollars and fifty cents, dated October 26, 1837 ; and being satisfied that said Foy was the owner of said draft, when lost in February, 1838, and that the evidence of said loss was filed in the Treasury Department soon after, have instructed me to report the accompanying bill, and recommend its passage.

A bill for the relief of Frederic Foy ; read first time.

Mr. Parker made the following report :

SENATE CHAMBER, January 3, 1852.

To the Hon. J. W. HENDERSON,

*President of the Senate :*

The undersigned, one of the select committee to whom was referred a bill entitled an act to amend an act approved Novem-

ber 30, 1850, entitled an act to amend the second and seventh sections of an act entitled an act to organize the supreme court of the State of Texas, approved 12th May, 1846, most respectfully submits this counter report :

The majority of your committee have recommended the rejection of the bill for various reasons set forth in their report. A different result could not have been anticipated, from the fact that the members of the committee composing that majority reside in and north and east of the county of Smith, (at the county seat of which county the eastern branch of the supreme court is established ;) and as a matter of interest to them and their immediate constituents, a different report could not have been expected from them, consequently the undersigned is impelled by a sense of the duty he owes to his constituents particularly, and to those within the entire limits of the eastern division of the supreme court generally, to give the reasons why the bill should pass, and the eastern branch of the supreme court be removed from the town of Tyler in Smith county, to the town of Rusk in the county of Cherokee.

In regard to the central position, geographically, of the town of Tyler in Smith county, the undersigned admits that the report of the majority may be nearly correct. Yet that the town of Rusk in the county of Cherokee, does not occupy a nearly central position also, none will aver. The two places are only about forty miles apart, and the undersigned is of opinion that a point between them would be more central than either, in a geographical point of view. From a comparison of the population of the different counties composing the eastern division of the supreme court, it will be found most satisfactorily, that the county of Cherokee, according to that comparison, occupies the most central position of any other county in said eastern division. In this connection it is also proper to remark, that the town of Rusk in Cherokee county, is approached by, and in the vicinity of more of the leading thoroughfares of Eastern Texas than the town of Tyler, or in fact of any other county seat of that portion of the State. It will be recollected that the counties of Smith and Cherokee were both organized at the same time, both with a sparse population. Now, by reference to the last census returns, it will be seen that the population of Cherokee, both white and black, is nearly double that of Smith, Cherokee being one of the most populous counties in the State. The population of the town of Rusk bears, probably, a greater proportion to the population of the town of Tyler, than that of the county of Cherokee does to that of Smith. The like comparison holds

good in regard to law offices, law libraries and business houses of every kind ; and the same of the wealth and resources of the two counties, as the statistical returns of the assessors and collectors will show. The town of Rusk is situated in the immediate vicinity of rich and prosperous neighborhoods, furnished with a steam grist and saw mill, and several saw and grist mills propelled by water power, affording facilities of comfort and convenience not enjoyed by the citizens of the town of Tyler at present. The citizens of the county of Cherokee have built nearly to completion a large and commodious courthouse, with three court rooms and comfortable offices and jury rooms, sufficient to accommodate the supreme, district and county courts all at the same time ; and also, have had built and completed for some time past, a good and substantial jail, which is now in good repair. The county of Cherokee has made her public improvements so far, without asking an increase of taxes, as the county of Smith has done ; and there is no doubt as to the ability of the citizens of the former county to meet all demands against her in a reasonable time, at least there is no evidence to the contrary.

The undersigned would further urge as a reason why the change from Tyler to Rusk should be made, that the town of Rusk is directly opposite to, and only forty miles from Magnolia, the principal shipping point on Trinity river, to which point steamboats ascend regularly whenever the river is in boating order, whilst Tyler is much more remotely situated from the facilities of trade. This, in the opinion of the undersigned, gives Rusk another decided advantage over Tyler in affording, not only the necessities, but the luxuries of life. Now in view of all these advantages, and consequent cheapness of boarding, and being well provided for, would it not be important to the members and officers of the court, as well as the suitors, to have the change made which the bill that the committee have had under consideration proposes ? Should not the interests of the few give way to those of the many, when it is apparent that the injury (if any,) sustained, would only be of that kind to which all should submit for the public good ?

The passage of the bill is hereby recommended, with an amendment :

ISAAC PARKER, One of the committee.

Amendment to come in as section 2 :

"Section 2. That all records, files and transcripts of records, belonging or in anywise appertaining to the branch of the supreme court at Tyler in Smith county, shall be removed pre-

viously to the next session of the supreme court for the Eastern division to the town of Rusk, in the county of Cherokee, and that the deputy clerk of said court at Tyler, carry the provisions of this section into effect."

## ORDERS OF THE DAY.

A bill requiring the holders of the liabilities of the late Republic of Texas for which the revenues of the said Republic were specially pledged, to file releases with the government of the United States, being under consideration when the Senate adjourned on yesterday, was taken up.

The question being on Mr. Taylor's motion to indefinitely postpone the bill;

On motion of Mr. Duggan, a call of the Senate was made, and the Sergeant-at-arms despatched after absent Senators.

On motion of Mr. Eddy, the call was suspended, and the bill indefinitely postponed by the following vote:

YEAS—Messrs. Bigelow, Bogart, Day, Gray, Grimes, Hill, Kinney, Merriman, Meusebach, Parker, Scott, Sterne, Taylor and Wilson—14.

NAYS—Messrs. Burks, Dancy, Davis, Duggan, Eddy, Reaves and Truit—7.

The Senate concurred in the amendment of the House to a bill to provide for the service of process issuing from justice's courts in certain cases.

Mr. Wilson, by leave, introduced a bill to confirm the titles to land issued to colonists in Williams' colony; read first time.

The following bills were severally read a third time and passed, to wit:

A bill supplementary to an act to authorize the commissioner of the General Land Office to issue patents on certificates issued by the board of land commissioners of Robertson county; approved February 5th, 1850;

A bill to create the county of Hidalgo;

A bill declaring the Little Cypress Bayou a navigable stream; and

A bill for the relief of the heirs of E. J. W. Lowery.

A bill better defining the limits of Milam land district; read third time, and, on motion of Mr. Hart, laid on the table.

Joint resolution for the relief of the company commanded by Captain William Becknell, in the year 1837; read third time, and, on motion of Mr. Dancy, referred to the committee on State Affairs.

Resolution of the Senate requesting the committee on Education, to inquire into the expediency of locating two colleges or universities, as contemplated by an act appropriating certain lands for the establishment of a general system of education; read and adopted.

On motion of Mr. Wilson, Messrs. Duggan and Scott were added to the committee on Education.

Mr. Gray moved to reconsider the vote which adopted the report of the majority of the committee on Public Debt, recommending the rejection of a bill for the relief of John W. King.

Mr. Hill moved to lay the motion to reconsider on the table; carried by the following vote:

YEAS—Messrs. Bigelow, Bogart, Day, Duggan, Gray, Grimes, Hill, Kinney, Merriman, Parker, Scott and Sterne—12.

NAYS—Messrs. Dancy, Davis, Eddy, Hart, Meusebach, Reaves, Taylor, Truit and Wilson—9.

On motion, the Senate adjourned until 10 o'clock Monday morning.

MONDAY, January 5, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Sterne presented the petition of Solomon Wolfe, and of Jesse Duren; referred to the committee on Internal Improvements.

Mr. Sterne presented the petition of William Goyens; referred to the committee on Private Land Claims.

Mr. Truit presented the petition of Milton Parker; referred to the committee on Private Land Claims.

Mr. Taylor, chairman of the committee on Private Land Claims, to which was referred the petition of Jackson G. Walker, reported a bill for his relief, which was read first time.

Mr. Bogart made the following report:

COMMITTEE ROOM, January 5, 1852.

To the Hon. J. W. HENDERSON,

*President of the Senate:*

Your committee on Counties and County Boundaries have had under consideration a bill defining the boundaries of the Cooke county land district, and find that the territory lying north